

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

IN RE:	§	
GEORGE D WIGINGTON AND	§	Case No. 11-41092
TERESA L WIGINGTON	§	
	and	§
WYLIE INVESTMENT GROUP	§	Case No. 13-40360
	§	
Debtors	§	(Jointly Administered Under Case 11-41092)

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**MOTION TO EXTEND DEADLINE**

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**NO HEARING WILL BE CONDUCTED ON THIS MOTION UNLESS A WRITTEN OBJECTION IS FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AND SERVED UPON THE PARTY FILING THIS MOTION WITHIN TWENTY-ONE (21) DAYS FROM THE DATE OF SERVICE UNLESS THE COURT SHORTENS OR EXTENDS THE TIME FOR FILING SUCH OBJECTION. IF NO OBJECTION IS TIMELY SERVED AND FILED, THIS PLEADING SHALL BE DEEMED TO BE UNOPPOSED, AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT. IF AN OBJECTION IS FILED AND SERVED IN A TIMELY MANNER, THE COURT WILL THEREAFTER SET A HEARING. IF YOU FAIL TO APPEAR AT THE HEARING, YOUR OBJECTION MAY BE STRICKEN. THE COURT RESERVES THE RIGHT TO SET A HEARING ON ANY MATTER.**

**TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:**

Come now the reorganized debtors, George D Wigington and Teresa L Wigington (“**Debtors**”), by their attorney, and files in the above-numbered and captioned bankruptcy case

their Motion to Extend Case Resolution Deadline (“**Motion**”) and respectfully state in support thereof:

## **JURISDICTION**

1. This Court has subject matter jurisdiction under 28 U.S.C §1334 and 157(a). This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(A) and (O). The predicate for relief requested herein is Bankruptcy Code §1112(b), §105 and the terms of the Agreed Order itself.

## **BACKGROUND**

2. On April 4, 2011, Debtors initiated this Case by filing a voluntary petition for relief under Chapter 11 of Title 11.

3. On March 19, 2013, the Court ordered that the Case be jointly administered with the Bankruptcy Case of Wylie Investment Group 13-40360-BTR-CH11 and that all pleadings shall be filed in Case 11-41092.

4. On June 4, 2013, the Court confirmed the Debtors’ plan of reorganization together with the plan filed by Wylie Investment Group in jointly administered case 13-40360.

5. On November 1, 2013, the U.S. Trustee filed a motion to dismiss (“**Motion to Dismiss**”) the case.

6. The Debtors and the U.S. Trustee submitted an agreed order to the Court on or about December 12, 2013.

7. The Court issued an *Agreed Order Granting in Part United States Trustee’s Motion to Dismiss* (“**Agreed Order**”) [DOC 53] on December 13, 2013.

## **APPLICABLE LAW AND ARGUMENT**

11. The Agreed Order established March 31, 2014 as the Case Resolution Deadline.

12. The Agreed Order provides that “the Debtor may extend the Case Resolution Deadline for good cause shown on a motion filed before the case resolution deadline.”
13. U.S.C. §105(a) provides that “The court may issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of this title.”

14. The Debtors filed a Motion to Extend Deadline on March 31, 2104, requesting to extend the deadline to June 30, 2014. The Motion was unopposed, but the Court has not yet issued an order extending the deadline.

14. The Debtors assert that “good cause” exists to extend the case resolution deadline and offer the following in support:

- a. The IRS claims that it has, or intends to, offset George Wigington’s personal and estate 2012 tax refund against the Debtors’ 2011 taxes. Debtors believe the 2011 taxes are pre-petition per 11 U.S.C. §342 and that the IRS is violating the automatic stay per 11 U.S.C. 362(a)(6). Debtors are currently waiting for a response from the IRS regarding Debtors’ dispute of the offset;
- b. The Debtors are current on all plan payments, operating reports and trustee fees, including payment of 1<sup>st</sup> quarter 2014 trustee fees;
- c. The Debtors believe the Case will be closed within the delay requested herein;
- d. Dismissal or conversion is not in the best interest of the creditors or the estate.

WHEREFORE, the reorganized Debtors respectfully request that the Court issue an order (a) extending the Case Resolution Deadline to September 30, 2014 and (b) granting such other further appropriate relief.

**DATED this 30<sup>th</sup> day of June, 2014.**

Respectfully submitted,

**THE MITCHELL LAW FIRM, L.P.**

/s/ Gregory W. Mitchell

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**Certificate of Service**

The undersigned hereby certifies that a copy of the foregoing document was served on the attached master mailing matrix through the court's electronic notification system as permitted by Appendix 5005 to the Local Rules of the U.S. Bankruptcy Court for the Eastern District of Texas, or by first class United States Mail, postage prepaid, no later than July 1, 2014.

/s/ Gregory Mitchell  
Attorney for Debtors.

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